

ORDINANCE 335
(Amended 02/12/08)

ORDINANCE ADOPTING BY REFERENCE, THE INTERNATIONAL BUILDING AND
RESIDENTIAL CODE (2003 EDITION)

WHEREAS; Colorado Revised Statutes 31-15-601 authorizes municipalities to adopt the building regulations within the municipal limits, and

WHEREAS; the Board of Trustees has determined that adopting building and construction standards that are universally accepted is in the best interest of the City; and

WHEREAS; the International Code Council has developed a uniform set of standards for the construction and building of homes, including the International Building Code (2003 Edition), International Residential Code (2003 Edition) (herein collectively "the Codes").

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, A COLORADO TOWN, AS FOLLOWS:

SECTION 1. Adoption. Pursuant to parts 1 and 2 or article 16 of title 31, C.R.S., as amended, there is hereby adopted by reference the 2003 editions of the International Building Code and International Residential Code published by the International Code Council, 5203 Leesburg Pike, Suite 600: Falls Church, Virginia, 22041. One (1) certified copy of the Codes adopted herein is now filed in the office of the Clerk of the City of Creede, Colorado, and may be inspected during regular business hours.

SECTION 2. Deletions. The 2003 editions of the International Building Code and International Residential Code are adopted as if set out at length in this ordinance save and except the following articles and/or sections which are declared to be inapplicable to this municipality and are therefore expressly deleted: None

SECTION 3. Modifications. The said adopted Code is subject to the following modifications:

All roof structures within the City limits and otherwise subject to the Codes shall be designed and built to withstand a minimum snow load of eighty (80) pounds per square foot. This modification shall be incorporated into other areas of the Codes as appropriate.

All footers used to support structures in the City that are otherwise subject to the provision of the Codes shall be placed a minimum depth of twenty-four (24) inches below ground surface or to such modified or additional depth as recommended and certified by the building inspector.

SECTION 4. Penalties and Fees. The following penalties and fees, herewith set forth in full, shall apply to this ordinance: *This Section 4 was revised and adopted effective February 12, 2008; the date the Council adopted the change.*

- (a) It is unlawful for any person to violate any of the provisions of the Codes adopted in this ordinance.
- (b) Every person in violation of any provision adopted in this ordinance shall be allowed five (5) business days to rectify the violation. If the violation is not rectified in five days, a Cease and Desist order will be issued and a fine not exceeding one hundred (\$100.00) for each day of violation from the date of the Cease & Desist order.

(c) The fees applicable to Codes shall be amended by resolution of the Board of Trustees.

SECTION 5. Application. This ordinance shall apply to building and construction projects within the corporate limits of this municipality and which this municipality has jurisdiction and authority to regulate.

SECTION 6. Repeal. Existing ordinances or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed consistent with Section 8 herein, and all ordinances or parts of ordinances inconsistent with the provision of this ordinance are hereby repealed upon said date, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

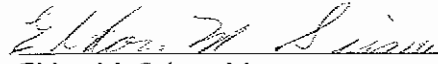
SECTION 7. Certification. The City Clerk shall attest to the passage of this ordinance and make not less than one (1) copy of the Codes available for inspection by the public during regular business hours.

SECTION 8. Effective Date and Transition. This ordinance shall become effective on November 1, 2005. All newly issued building and construction permits on or after said date shall be governed by the Codes herein adopted. Prior to that date, all permits granted shall be governed by the codes and ordinances effective upon their issue.

SECTION 9. Appeal Process. If any parts of the 2003 International Building Code are not applicable for this region or geographic area, the property owner or contractor(s) have the right to request a variance from that or those specific requirements. This request shall go before the Board of Adjustments at a regularly scheduled City Council meeting. The Board may delegate, by resolution, to the City's Certified Building Inspector or the City Administrator, the authority to permit a variance from certain requirements of the International Building Code.

SECTION 10. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held to be invalid or unconstitutional, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and to this end the provisions of this Ordinance are declared to be severable.

INTRODUCED, read in full, and adopted on February 12, 2008.


Eldon M. Seime, Mayor

ATTEST:


Pamela J. Wilson / City Clerk/Treasurer

Section 4 amended and readopted effective February 12, 2008. Remainder of ordinance remains in effect as originally adopted.